Appendix J
Proposed HAPC Identification Process

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CONTENTS

TABLES

ACRONYMS AND ABBREVIATIONS

ADF&G	Alaska Department of Fish and Game
AP	Advisory Panel
Council	North Pacific Fishery Management Council
EFH	essential fish habitat
EIS	environmental impact statement
FMP	Fishery Management Plan
HAPCs	habitat areas of particular concern
NEPA	National Environmental Policy Act
NGO	non-governmental organization
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
SSC	Scientific and Statistical Committee

J.1 Introduction

The habitat area of particular concern (HAPC) identification process consists of establishing HAPC criteria and priorities, issuing a call for proposals, using a proposal screening process, conducting scientific review, and initiating a public review process.

In June 1998, the North Pacific Fishery Management Council (Council) identified several habitat types as HAPCs within essential fish habitat (EFH) amendments 55/55/8/5/5. Habitat types, rather than specific areas, were identified as HAPCs because little information was available regarding specific habitat locations. These HAPC types included the following:

1. Areas with living substrates in shallow waters (e.g., eelgrass, kelp, and mussel beds)
2. Areas with living substrates in deep waters (e.g., sponges, coral, and anemones)
3. Freshwater areas used by anadromous fish (e.g., migration, spawning, and rearing areas)

The history of North Pacific Council HAPC designations is provided in Chapter 2 of the EFH environmental impact statement (EIS).

In April 2001, the Council formed the EFH Committee to facilitate industry, conservation community, Council, and general public input into the EFH EIS process. The committee worked cooperatively with Council staff and the National Marine Fisheries Service (NMFS) to identify alternative HAPC criteria, as well as approaches that could be used to designate and manage HAPC areas. The Committee aided in formulating the HAPC designation alternatives referred to in Chapter 2 and developed recommendations for a HAPC process.

This appendix summarizes the process that will be used to identify HAPC types or sites, consistent with the alternative HAPC approach chosen through action #2 of this EIS. A joint stipulation and court order in the *AOC v. Daley* case mandated that NMFS work with the Council to develop a process for the evaluation and possible designation of HAPCs and the implementation of any associated measures. NMFS must promulgate any resulting regulations, supported by appropriate National Environmental Policy Act (NEPA) analysis, no later than August 13, 2006.

The schedule of decision-making and initiation of the HAPC process is as follows. In October 2003, the Council chose a preliminary preferred alternative for a HAPC approach (i.e., HAPCs as types, sites, or both). The Council has adopted a process to identify HAPCs based on the options contained in this appendix. This process will enable the Council to decide whether to provide additional focus for HAPCs (add additional criteria; identify priority habitats for HAPC consideration), decide how often proposals for HAPCs will be solicited from the public, and decide on a stakeholder review process.

J.2 HAPC Considerations and Priorities

HAPC site proposals will be focused on specific HAPC priority areas designated by the Council.

J.2.1 HAPC Considerations

HAPCs are those areas of special importance that may require additional protection from adverse effects. Regulations at 50 CFR 600.815(a)(8) provide that "FMPs should identify specific types or areas of habitat within EFH as habitat areas of particular concern based on one or more of the following considerations:

(i) The importance of the ecological function provided by the habitat.
(ii) The extent to which the habitat is sensitive to human-induced environmental degradation.
(iii) Whether, and to what extent, development activities are, or will be, stressing the habitat type.
(iv) The rarity of the habitat type."

Whether the Council designates HAPCs as habitat sites or types, management measures, if needed, would be applied to a habitat feature or features in a specific geographic location. The feature(s), identified on a chart, would have to meet the considerations established in the regulations and would be developed to address identified problems for FMP species. They would have to meet clear, specific, adaptive-management objectives.

Evaluation and development of HAPC management measures, where management measures are appropriate, will be guided by the EFH Final Rule.

J.2.1.1 Criteria for Considerations of HAPCs

The following criteria were established for consideration of HAPC proposals. HAPC proposals would have to meet at least two of the four HAPC considerations (criteria) established in the EFH Final Rule: 1) importance of ecological function, 2) sensitivity, 3) vulnerability, and 4) rarity. Rarity will be a mandatory criterion of all HAPC proposals.

J.2.2 HAPC Priorities

The Council recommended that the priorities for HAPC proposals should focus on specific sites within two specific priority areas for the November 1, 2003, to January 10, 2004, call for proposals:

1. Seamounts in the EEZ, named on NOAA charts, that provide important habitat for managed species.
2. Largely undisturbed, high-relief, long-lived hard coral beds, with particular emphasis on those located in the Aleutian Islands, which provide habitat for life stages of rockfish or other important managed species.

Nominations will be based on best available scientific information and will include the following features:

1. Sites must have likely or documented presence of FMP rockfish species.
2. Sites must be largely undisturbed and occur outside core fishing areas.

The Council may establish HAPCs for a representative subset of those areas identified through HAPC proposals. The Council will review HAPC priorities on a 3-year cycle.

Submitted proposals will be ranked according to how many of the four HAPC considerations they meet, with the highest ranking being given to proposals that meet all four.

J.3 Call for Proposals for the HAPC Process

Any member of the public may propose a HAPC. Potential contributors include fishery management agencies, other government agencies, scientific and educational institutions, non-governmental organizations, communities, and industry groups.

J.3.1 Contents of Proposals

Scientific and technical information on habitat distributions, gear effects, fishery distributions, and economic data should be made easily accessible before issuing a call for proposals. NMFS' Alaska Region website has a number of valuable tools for assessing habitat distributions, understanding ecological importance, and assessing impacts. Information on EFH distribution, living substrate distribution, fishing effort, catch and bycatch data, gear effects, known or estimated recovery times of habitat types, prey species, and freshwater areas used by anadromous fish is provided in the EFH EIS.

The format for a HAPC proposal should include the following:

- Provide the name of proposer, address, and affiliation
- Provide a title for the HAPC proposal and a single, brief paragraph concisely describing the proposed action.
- Identify the habitat and FMP species that the HAPC proposal is intended to protect.
- State the purpose and need.
- Describe whether and how the proposed HAPC addresses the four considerations set out in the final EFH regulations.
- Define the specific objectives for this proposal.
- Propose solutions to achieve these objectives (how might the problem be solved?).
- Establish methods of measuring progress towards those objectives.
- Define expected benefits of the proposed HAPC; provide supporting information/data, if possible.
- Identify the fisheries, sectors, stakeholders, and communities to be affected by establishing the proposed HAPC (who would benefit from the proposal; who would it harm?) and any information you can provide on socioeconomic costs.
- Provide a clear geographic delineation for the proposed HAPC (written latitude and longitude reference point and delineation on an appropriately scaled National Oceanic and Atmospheric Administration [NOAA] chart).
- Provide the best available information and sources of such information to support the objectives for the proposed HAPC (citations for common information or copies of uncommon information).

J.3.2 Proposal Cycle

HAPC proposals will be solicited every 3 years on the same schedule as the regular plan or regulatory amendment schedule.

J.4 Proposal Screening Process

J.4.1 Initial Screening

Council staff will screen proposals to determine consistency with the EFH Final Rule and application completeness. If not consistent or complete, the proposal will be rejected. If accepted, the proposal will be forwarded to the next step.

J.4.2 Scientific Review Process

J.4.2.1 Proposals Reviewed by North Pacific Fishery Management Council Plan Teams

The Council refers proposals to the appropriate plan teams (Gulf of Alaska groundfish, Bering Sea groundfish, Bering Sea crab, scallop, salmon). The teams evaluate the proposals for ecological, socioeconomic, management, and for practicability. The plan teams rank the proposals using a system

like the matrix illustrated below and make their recommendations directly to the Council. The Council may refer the proposals to the enforcement committee or another technical team for review.

J.4.2.2 Evaluation of Candidate HAPCs

The teams will evaluate each proposal on the basis of how well it meets the Council HAPC priorities, the requirements established above for formatting the proposals, and the four considerations for HAPC set forth in the EFH final rule. The teams will then determine whether designation and any management measures are warranted. All considerations will receive equal attention.

In the NPFMC Environmental Assessment of Habitat Areas of Particular Concern (NPFMC 2000), proposed HAPC types and areas were evaluated using a ranking system that provided a relative score to the proposed HAPCs by weighing them against the four considerations established in the EFH Final Rule.

Two more columns will be added to the matrix. One column will score the level of socioeconomic impact: the lower the impact, the higher the score. The final column will score the level of likelihood that the proposal will successfully address the identified problem of the FMP species. To arrive at this score, reviewers must consider the known information on the relative link between the habitat function and the health and productivity of the FMP species.

The Data Level column should be modified to be Level and Certainty of Data to reflect not only the amount of data available, but also the scientific certainty of the information supporting the proposal.

A written description should accompany the ranking so it is clear what data, scientific literature, and professional judgments were used in determining the relative score.

Table J-1. Evaluation Matrix of Proposed HAPC Types and Areas, with Sample Proposals for Illustration Only

Proposed HAPC area	Data Level	Sensitivity	Exposure	Rarity	Ecological Importance
Seamounts and Pinnacles	1	Medium	Medium	High	Medium
Ice Edge	3	Low	Low	Low	High
Continental Shelf Break	3	Medium	Medium	Low	High
Biologically Consolidated Sediments	1	Low	Medium?	Low	Unknown

Source: Council 2000

J.4.3 Scientific Uncertainty

There will always be some level of scientific uncertainty in the design of proposed HAPCs and how they meet their stated goals and objectives. Some of this uncertainty may arise because the public will not have access to all relevant scientific information. Recognizing time and staff constraints, however, the staff cannot be expected to fill all the information gaps of proposals.

The Council will have to recognize data limitations and uncertainties and weigh precautionary strategies for conserving and enhancing HAPCs while maintaining sustainable fisheries. The scientific panel should highlight available science and information gaps that may have been overlooked or are not available to the submitter of the HAPC proposal.

J.4.4 Socioeconomic and Other Criteria

The EFH mandate states that EFH measures are to minimize impacts on EFH "to the extent practicable," so socioeconomic considerations have to be balanced against expected ecological benefits at the earliest point in the development of measures. NMFS' final rule for developing EFH plans states specifically that (Section (2) ii F.R. page 2378) FMPs should "identify a range of potential new actions that could be taken to address adverse effects on EFH, include an analysis of the practicability of potential new actions, and adopt any new measures that are necessary and practicable." In contrast to a process where the ecological benefits of EFH or HAPC measures are the singular initial focus and a later step is used to determine practicability, this approach would undertake the consideration of practicality simultaneously.

Specifically, HAPC proposals should be rated based on whether they identify, as extensively as possible, the exact locations that would be affected if the proposed HAPC mitigation measures were implemented. Proposals should also be rated as to whether they identify affected fishing communities and the potential effects on those communities, employment, and earnings in the fishing and processing sectors and the related infrastructure.

Management and enforcement will also need representation in the review to evaluate general management cost and enforceability of individual proposals.

J.4.5 Council Selection of HAPC Proposals for Analysis

The Council bases need for subsequent analysis based on priorities, if identified.

J.4.5.1 Stakeholder Input

The Council retains the authority to set up a stakeholder process, as appropriate, to obtain input on proposals.

J.4.5.2 Technical Review

The Council retains the authority to obtain additional technical reviews as needed from scientific, socioeconomic, and management experts.

J.4.5.3 Public Comment on NEPA Analysis

The Council will receive a summary of public comments and take final action on HAPC selections and management alternatives.

J.4.5.4 Council Action

Each proposal received and/or considered by the Council would have one of three possible outcomes:

1. The proposal could be accepted, and the area would be designated as a HAPC.
2. The proposal could be used to identify an area or topic requiring more research, which the Council would request from NMFS or another appropriate agency.
3. The proposal could be rejected.

LITERATURE CITED

ADF&G 2002. Marine Protected Areas in Alaska: Recommendations for a Public Process. Alaska Department of Fish and Game Division of Commercial Fisheries. Juneau, AK.

Auster, P.J. 2001. Defining Thresholds for Precautionary Habitat Management Actions in a Fisheries Context. North American Journal of Fisheries Management 21: 1-9.

Council. 2000. Draft Environmental Assessment/Regulatory Impact Review. Habitat Areas of Particular Concern. North Pacific Fishery Management Council. Anchorage, AK.

Roberts, C.M. et al. 2003. Application of Ecological Criteria in Selecting Marine Reserve and Developing Reserve Networks. Ecological Applications. 13(1): S215-S228.

ATTACHMENT 1

Summary of Steps in the HAPC Identification Process

Proposed by the EFH Committee

The Committee suggests that, consistent with the NEPA process, the Council adopt the following outline.

1. A. Council considers establishing HAPC criteria.
   B. Council considers establishing HAPC priorities.
   C. Priorities are reviewed every HAPC cycle.
   D. Council receives comment from scientific community, AP, NMFS, ADF&G, public.
   E. Criteria for scientific evaluation of proposals are identified, along with criteria for evaluating management measures.

   NOTE: The EFH Committee seeks suggestions on how to develop the appropriate ecological and socioeconomic criteria for evaluating HAPC proposals in two separate processes.

2. The Council issues a call for proposals (open to ADF&G, NMFS, public, etc.). Proposals are submitted on a HAPC form developed by the Council.

3. The Council staff screens proposals to determine consistency with EFH Final Rule and application completeness. If not consistent or complete, the proposal is rejected. If accepted, the proposal is forwarded to the next step.

4. The SSC reviews proposals for goals, objectives, and appropriate management measures. If management measures are included, the SSC reviews such measures for suitability to an adaptive management approach. Two discrete scientific bodies provide a preliminary evaluation of these proposals for 1) ecological considerations and 2) socioeconomic practicability. The SSC then forwards proposals with recommendations and comments.

5. The EFH/HAPC Review Committee reviews the proposals, evaluates and prepares recommendations for Council family (AP, SSC, Council).

6. The Council selects a range of HAPC alternatives for analysis to address each identified priority. The Council identifies preliminary management measures, where appropriate, and initiates NEPA analysis.

7. The Council initiates stakeholder process(es).

8. The Council schedules and conducts a technical/public workshop.

9. The Science/Technical review team EFH/HAPC review committee, and public meet to review stakeholder recommendations.

10. The EFH/HAPC committee finalizes recommendations for Council on management measures, research design, and adaptive management strategy.

11. The Council solicits public comment on NEPA analysis.

12. Council staff compiles and summarizes public comments for Council.

13. The Council takes final action on HAPC selections and management alternatives.

Each proposal that the Council receives and/or considers will have one of three possible outcomes:

1. The proposal could be accepted, and the area would be designated as a HAPC.

2. The proposal could be used to identify an area or topic requiring more research, which the Council would request from NMFS or another appropriate agency.

3. The proposal could be rejected.

ATTACHMENT 2
ADDENDUM: FROM NEW ENGLAND COUNCIL
SUPPORTIVE DATA AND INFORMATION

The HAPC proposal form will have a section asking the submitter to include any supportive data and other relevant material. The New England Fishery Management Council has detailed a list of accepted information sources to support HAPC proposals. This or a similar list may be useful to detail, so the public knows what scientific information the review panel will be looking for.

From NEFMC Habitat Areas of Particular Concern Process:

General Scientific Data and Information – The information used by the proposer to justify a HAPC proposal comes from scientific peer-reviewed journals, government technical reports, or from unpublished scientific data. This category includes any scientific data or information that are not site-specific but still bear relevance on the issue by demonstrating one of the HAPC criteria.

Site-Specific Scientific Data and Information – The information used by the proposer to justify a HAPC proposal comes from scientific peer-reviewed journals, government technical reports, or from unpublished scientific data. This category includes any scientific data or information that are derived from or for the specific area under consideration in the HAPC proposal.

Literature Review - The information used by the proposer to justify a HAPC proposal comes from a review of peer-reviewed literature and government technical reports. This includes summaries of the results of scientific studies published in peer-reviewed journals and technical documents. The literature review may be prepared by the proposer or may be prepared by another source and should clearly articulate the link between the area, habitat type, or species in question with at least one of the HAPC criteria.

Substrate Mapping – The information used by the proposer to justify a HAPC proposal includes substrate mapping of the specific area under consideration. The source of the substrate mapping should be a federal agency, such as the U.S. Geological Survey, a state agency, an academic institution, or a research collaborative. The substrate maps should be provided to the Council and readily available for external review.

Oceanographic Information – The information used by the proposer to justify a HAPC proposal includes information on the oceanographic features occurring in the specific area under consideration. This information can include, but not be limited to, the tracking of currents, identification of relatively stable and persistent gyres, oceanographic fronts, thermoclines, haloclines, or pycnoclines. Reference to any transient oceanographic feature(s) should include a description of the importance of the feature to the target species or habitat type.

Traditional Knowledge: Incorporate all traditional knowledge as information to justify a HAPC proposal.